

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
SEPTEMBER 30, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order and the invocation was given by Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

### MAYOR'S PROCLAMATIONS

1. ***Forget Me Not Week***
2. ***Stage Door Canteen Nights***

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone four (4) weeks the discussion and action on the request of El Paso Bench Ads of El Paso, Inc. for an extension to its bus bench franchise which expires December 7, 2003. [David Escobar]

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks the discussion and action on permission to post two "Gus Massey Memorial Square" signs. (one on each corner of El Paso and 6<sup>th</sup> Streets, north corners of the streets). [Gus Massey, Jr.]

Mr. Gus Massey, Jr. proposed naming the intersection at El Paso and 6<sup>th</sup> Streets after his father Gus Massey and asked Council Members to support his proposition. He stated that the family was prepared to pay all costs.

Representative Cobos requested postponing the matter for four weeks to enable Mr. Massey and Mr. Daryl Cole, Streets Director, to compile a price list and determine what type of signage would be utilized.

Representative Austin questioned whether or not the City currently had a process for renaming street intersections. She requested the item be postponed and directed City staff to bring recommendations regarding the processing of such requests.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of September 23, 2003; Special Joint Meeting of the City Council and the County Commissioners Court of August 21, 2003 (Arena Project); Special City Council Meeting of August 21, 2003 (Health Department Budget Hearing); and Legislative Review Committee Meeting of the Whole of September 15, 2003.

## \*RESOLUTION

**WHEREAS**, the Department of Aviation desires to provide live entertainment for the benefit of the traveling public during the Celebration of 75<sup>th</sup> Anniversary of the Airport on September 30, 2003; and

**WHEREAS**, the El Paso Symphony Orchestra and musical groups from local colleges and universities and public schools in the El Paso area have agreed to donate their services by providing, at no cost to the City, such entertainment for the traveling public;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Aviation be authorized to accept, on behalf of the City of El Paso, the donation of the following services: performances during the 75<sup>th</sup> Anniversary Celebration of the Airport on September 30, 2003 by the El Paso Symphony Orchestra, choral or instrumental musical groups from the University of Texas at El Paso, from the El Paso Community College, or from schools within the El Paso Independent School District, the Ysleta Independent School District, or the Socorro Independent School District. Such performances shall be at the time and location specified by the Director of Aviation, shall not interfere with the free passage of the public within the airport terminal area, and shall be at no cost to the City.

## \*RESOLUTION

**WHEREAS**, the Amigo Airsho will be held at Biggs Army Airfield, Ft. Bliss, Texas on October 3, 4 and 5, 2003.

**WHEREAS**, the Canadian Snowbirds will be performing at the airshow on each day and requires the airfield to be closed during their performances for safety reasons.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Aviation be authorized to close the airfield at the El Paso International Airport for approximately 30 minutes on October 3, 4 and 5, 2003, to accommodate the Snowbirds' performances. The closures shall be coordinated with the Federal Aviation Administration (FAA) and the airlines that service the Airport.

**NOTE:** Resolution was revised from “Air Force Thunderbirds” to “Canadian Snowbirds”.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

## RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Aviation be authorized to exercise the City's option to extend the License Agreement between the City of El Paso and Clear Channel Outdoor, Inc. (f.k.a. Eller Media Co.) dated October 1, 1998, for an additional five (5) year term to expire on September 30, 2008.

Representative Lozano questioned whether or not Clear Channel was in favor of the License Agreement language.

Mr. Bill Wallace, Clear Channel representative, requested that the current billboard locations remain as they are.

Representative Austin clarified that Clear Channel was paying the City and questioned whether or not the Airport Board had reviewed the License Agreement.

Mr. Patrick Abeln, Director of Aviation, answered questions of Representatives Lozano and Austin.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, answered legal questions pertaining to the previous and current License Agreements.

Ms. Lisa Turner, citizen, remarked that Clear Channel controlled 90% of all El Paso advertising and suggested that the matter be rebid to allow local companies an opportunity to expand their advertising services/businesses.

Representative Cook responded to Ms. Turner's comments and explained the Ordinance language regarding billboards.

Motion made by Representative Lozano, seconded by Representative Austin and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Lease No. DTFA07-04-L-00760 between the City of El Paso and the United States of America, Federal Aviation Administration, for various Low Level Windshear Alert System (LLWAS) facilities on the El Paso International Airport. The Lease term is from October 1, 2003 through September 30, 2004 and may be renewed from year to year until September 30, 2023.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Lease No. DTFA07-04-L-01320 between the City of El Paso and the United States of America, Federal Aviation Administration, for approximately 162 square feet of net usable space at the Air Rescue Fire Fighting (ARFF) Building at El Paso International Airport, City of El Paso, El Paso County, Texas, commonly known as 101 George Perry Boulevard. The Lease term is from October 1, 2003 through September 30, 2004 and is automatically renewable yearly thereafter until September 30, 2008.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 12th day of February, 2002, after due notice and hearing, ordered ELIZABETH DUCKWORTH, record Owner of the hereinafter described property that the Building be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of re-securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 30, Block 37, Eastwood #9, an addition to the City of El Paso, El Paso County, Texas, more particularly described as 10453 Chinaberry Drive, El Paso, Texas,

to be \$759.41, performed by the Street Department of the City of El Paso, making a total of \$759.41. The City Council finds that the work was completed on the 19th day of June, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SEVEN HUNDRED FIFTY-NINE AND 41/XX DOLLARS (\$759.41) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Council approve the following proposed amendments to Chapter 5, Program for the Rehabilitation of Investor-Owned Properties, of the Community and Human Development Housing Programs Handbook as recommended by the Community and Human Development Director:

1. The **general program description on Page 5-1** is being amended to **replace the word "should" with the word "shall"** to emphasize the requirement in the following sentence: Projects rehabilitated under the Program for the Rehabilitation of Investor-Owned Properties shall be occupied after rehabilitation by lower-income families at affordable rents for the required affordability period.
2. **Section I. Eligibility Requirements. Subsection B.(1) on Page 5-2** is being amended by **decreasing** the maximum number of **available points for ranking potential projects from 45 to 33 points**; and to **delete factor d.** that awarded a maximum of 7 points to a housing rehabilitation project located in the Central Target Area; and to **delete factor g.** that awarded a maximum of 5 points to a project leveraging other funds; and to **add to Subsection B. The Property (3).** on page 5-3, the following sentence: **Priority will be given to a project with no existing debt.**
3. **Section II. Financing. Subsection A.** is being amended to **include an exception** to the requirement that the City must have a first lien requirement **by allowing prior debt if it does not exceed \$5,000 per unit**; and by **amending Subsection B. to provide** that the City will provide public **financing as an 80% Loan and a 20% Grant (Secured Conditional Forgivable Loan)** at 0% interest for **30 years.**

Representative Rojas questioned whether to new language would affect individuals who had previously requested loans from the Community and Human Development Department.

Ms. Debbie Hamlyn, Director of Community & Human Development, responded no and added that the new language would pertain to future loans.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Assistance Amendment to the El Paso Brownfields Site Assessment Demonstration Pilot Assistance Agreement No. BP-98686001-1 to extend the budget and project periods to September 30, 2004. The award amount remains \$200,000, subject to the terms and conditions of the original award, as amended.

.....  
**\*RESOLUTION**

**DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS TO DESIGNATE AN AREA AS REINVESTMENT ZONE "QQ"; TO CALL A PUBLIC HEARING ON THE DESIGNATION; AUTHORIZING THE GIVING OF NOTICE OF THE PUBLIC HEARING; AND RELATED MATTERS.**

**WHEREAS**, the City Council (the "City Council") of the City of El Paso, Texas (the "City"), pursuant to the requirements of the Property Redevelopment and Tax Abatement Act, §§312.001 et. seq., Texas Tax Code, as amended (the "Act"), does hereby declare its intent to consider the adoption of an Ordinance designating an area within the City as Reinvestment Zone "QQ";

**WHEREAS**, the area to be designated Reinvestment Zone "QQ" is set forth and described in Exhibit "A" attached hereto (Exhibit "A" on file in the City Clerk's Office), which is incorporated herein by reference for all purposes;

**WHEREAS**, the Act requires that the designation of an area as a reinvestment zone be done by the City Council through the adoption of an Ordinance;

**WHEREAS**, before an Ordinance may be adopted, the Act requires that the City Council hold a public hearing on such designation and accordingly the City Council intends hereby to hold such public hearing on Tuesday, October 14, 2003, at 9:00 o'clock a.m. in the City Council Chambers, at which time all interested persons will be entitled to speak and present evidence for or against the designation of the reinvestment zone; and,

**WHEREAS**, the Act requires that the City Council give notice of hearings by: (1) publication of such notice in a newspaper having general circulation in the City no later than the seventh day before the date of the hearing; and (2) delivery of such notice in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone no later than the seventh day before the date of the hearing;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1. That the City Council hereby declares its intent to consider the adoption of an Ordinance designating the real property described and set forth in Exhibit "A" (Exhibit "A" on file in the City Clerk's Office) as a reinvestment zone, pursuant to the requirements of the Act.

Section 2. That the City Council hereby directs that a public hearing concerning such designation of a reinvestment zone be held at 9:00 o'clock a.m. on Tuesday, October 14, 2003, in the City Council Chambers on the second floor of the Municipal Building of the City of El Paso, 2 Civic Center Plaza, El Paso, Texas, at which time all interested persons will be entitled to speak and present evidence for or against the designation of the reinvestment zone.

Section 3. That a Notice of the public hearing shall be: (1) published in a newspaper having general circulation in the City no later than the seventh day before the date of such public hearing; and (2) delivered to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone no later than the seventh day before the date of such public hearing.

Section 4. That the Director of Economic Development for the City of El Paso, or his duly authorized agent, be authorized to arrange for the publication of the Notice and also to send such Notice to the presiding officer of the governing body of each such taxing unit.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Amendment to Interlocal Agreement between the City of El Paso and the Rio Grande Council of Governments (RGCOG) providing for the assistance of the 504 Program Manager and the Brownfields Coordinator of the RGCOG in managing, developing, and improving the City-County Joint Revolving Loan Fund Program, the Brownfields Cleanup Revolving Loan Fund Program, and the City's overall Brownfields Redevelopment Program, respectively. Pursuant to the Amendment, the Agreement shall continue for an initial term of one year ending September 30, 2004, with a maximum cost to the City of \$60,000.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewal, and related materials, with the Texas Department of Health:

Associate Commissioner for Family  
Document No. 7460007499-2004, Attachment No. 9  
Purchase Order No. 0000001205  
.....

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewal, and related materials, with the Texas Department of Health:

Toxic Substances Control Division  
Document No. 7460007499-2004, Attachment No. 12

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **OSCAR GONZALEZ**, to assist the El Paso Water Utilities as a Geographic Information Systems Technician, at an biweekly rate of \$1,054.33, for 40 hours per week. The term of the contract shall be for the period of October 1, 2003 through September 30, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **APRIL DEUCHER** to assist the El Paso Water Utilities Department at an hourly rate of \$9.42 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. The term of the contract shall be for the period of October 1, 2003 through September 30, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **DIANA C. KLINGER** to assist the El Paso Water Utilities Department at an hourly rate of \$9.42 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. The term of the contract shall be for the period of October 1, 2003 through September 30, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on Block 97, Cielo Vista Park Unit L, El Paso County, Texas to provide service to Ponder Park.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Council authorize the Mayor of the City of El Paso, on behalf of the El Paso Fire Department, to sign a Grant Application for a John Deere Trail Gator, to the U.S. SMOKELESS TOBACCO COMPANY Donation Program, to be utilized by the Water Rescue Team along the Rio Grande River and area canals. This Grant is at no cost to the City.

NOTE: Resolution was revised to correct the spelling to "Deere".

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Council, in conjunction with El Paso County, both City and County Wide, form a coalition to expand a Fan Drive to benefit the Elder Protection Unit, pursuant to the Weather Response Task Force, allowing all City Fire Stations and the Fire Department Headquarters to serve as collection sites for fan drop off centers.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CASEY L. PARR**, to assist the Information Technology as a PC LAN Specialist I, at an biweekly rate of \$1,274.41, for 40 hours per week. The term of the contract shall be for the period of October 1, 2003 through September 30, 2005.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **IRASEMA S. GONZALEZ** to assist the El Paso Public Library at an hourly rate of \$5.57 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. The term of the contract shall be for the period of October 1, 2003 through September 30, 2004.

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARIE LIVINGSTON**, to aid the Museum of Art in teaching the "Neighborhood Kids Program" at an hourly rate of \$20.00 per hour, not to exceed 20 hours per week. The total amount of the contract shall not exceed \$1,500.00. The term of the contract shall be for the period of October 1, 2003 through May 31, 2004.

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **KIMBERLY SULLIVAN**, to aid the Museum of Art in teaching the "Neighborhood Kids Program" at an hourly rate of \$20.00, not to exceed 20 hours per week and a maximum amount of \$1,500.00. The term of the contract shall be for the period of October 1, 2003 through May 31, 2004.



\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CAROL HILLIARD**, to aid the Museum of Art in teaching the "Neighborhood Kids Program" at an hourly rate of \$20.00, not to exceed 20 hours per week. The total amount of the contract shall not exceed \$2,800.00. The term of the contract shall be for the period of October 1, 2003 through May 31, 2004.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Contracts on behalf of the El Paso Museum of Art, to teach art classes, at an hourly rate of \$20.00 per hour. The term of the contract shall be for the period of October 1, 2003 through December 31, 2003.

1. **RENEE M. AGEE**, Instructor for Children's Painting class, 3 hours per week maximum.
2. **WENDY BURTZ**, Instructor for Kids Clay class, 3 hours per week maximum.
3. **BELINDA FLORES**, Instructor for Adult Painting class, 3 hours per week maximum.
4. **MARIE LIVINGSTON**, Instructor for Adult Handbuilding with Clay and Journals in Art class, 5 hours per week maximum.
5. **MARY ALICE PAYAN-HEIM**, Instructor for Adult Watercolor and Parent-and-Me preschool class, 5 hours per week maximum.
6. **MARTHA A. GARCIA**, Instructor for Clay Wheelthrowing class, 2 hours per week maximum.
7. **RUBEN RODARTE**, Instructor for Adult Painting class, 4 hours per week maximum.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception for Educator Evening, October 9, 2003, 6:00 p.m. - 8:00 p.m.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to serve alcohol at One Arts Festival Plaza at the Museum Foundation Fundraiser Reception honoring El Paso artist Jose Cisneros, October 23, 2003, 5:30 p.m. to 6:30 p.m.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to co-sponsor a clay class with the Center for Lifelong Learning. The Center for Lifelong Learning will take care of all registrations, instructor's fees and supplies. The class will be conducted at the Museum from October 3, 2003, until November 14, 2003. There will be no cost to the City.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$38,333.33 from the Robert U. and Mabel O. Lipscomb Foundation and to sign any related documents. The funds are granted for the purchase of works of art for the Museum. No matching funds are required.

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Motion made, seconded and unanimously carried to move to the regular agenda the following Resolution:

**JOINT USE RESOLUTION/AGREEMENT**

**JOINT USE RESOLUTION/AGREEMENT OF THE CITY OF EL PASO AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD PERTAINING TO THE JOINT USE OF PROPERTY LOCATED ADJACENT TO BROWN STREET AND SCHUSTER AVENUE IN PORTIONS OF BLOCKS 137, 138, 142, AND 143, ALEXANDER SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS**

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**WHEREAS**, El Paso Border Youth Athletic Association, a corporation formed pursuant to the Texas Non-Profit Corporation Act, proposes to construct a baseball facility ("the Facility") on property owned by the City of El Paso ("the City"), part of which is currently set aside for park use and the remainder of which ("the PSB Property") has been set aside for use by the El Paso Water Utilities Public Service Board ("PSB"); and

**WHEREAS**, on April 29, 2003, the City Council of the City of El Paso adopted a Resolution Supporting the Efforts of El Paso Border Youth Athletic Association to Apply for Grants and Construct a Youth Baseball Facility; and

**WHEREAS**, on May 14, 2003, the PSB adopted a Resolution approving the proposed use of PSB Property for the Facility, subject to certain terms and conditions which will be set forth in the lease agreement ("the Lease Agreement") to be signed between the parties; and

**WHEREAS**, the PSB desires to enter into a joint-use resolution/agreement with the City providing for use of the PSB Property as a public recreation area, in conjunction with the use of the City's park land, for the construction and operation of the Facility pursuant to the terms of the Lease Agreement; and

**WHEREAS**, the PSB finds that the use of the PSB Property described above will not impair the assets of the El Paso Water Utilities or adversely affect the operation thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The following property will be subject to the use of the City of El Paso as a public recreation area under the terms of this Joint Use Resolution/Agreement, in conjunction with the use of certain City park land, for the construction and operation by El Paso Border Youth Athletic Association of a youth baseball facility:

a 4.63-acre parcel of land, more or less, consisting of Lots 1 -20, Blocks 137, 138, 142, and 143, Alexander Subdivision, El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit "A" (Exhibit "A" on file in the City Clerk's Office), which is attached hereto and made a part hereof for all purposes.

Such parcel is hereinafter referred to as the "PSB Property."

2. The PSB agrees that the PSB Property may be used by the City as a public recreation area, and for no other purpose, in conjunction with the Lease Agreement between the City and the El Paso Border Youth Athletic Association, dated as of September 30, 2003.

3. The City shall pay, or shall cause to be paid under the terms of the Lease Agreement, all expenses of developing, maintaining, and operating the recreation area. To the extent allowed by law, the City will indemnify and hold harmless the El Paso Water Utilities Public Service Board, its General Manager, officers, agents and employees from any claim or cause of action of whatsoever nature or kind which may arise as a result of the City's use of the portion of the land under the jurisdiction of the El Paso Water Utilities Public Service Board.

4. Except as otherwise provided herein, the PSB shall retain all rights to surface and underground waters, with the right to enter upon the PSB Property for exploration, construction, operation and maintenance of water supply facilities to perform operations necessary to the maintenance of the PSB's water supply system, but consistent with allowing the maximum benefit and use of such property as a recreation area.

5. It is understood and agreed that upon the termination of this Resolution/Agreement, for any reason, the improvements, which have been placed upon the land by the City and which have not been removed within 120 days of termination of this Resolution/Agreement, shall become the property of the PSB and the PSB shall not be obligated to compensate or reimburse the City for the cost or value thereof.

6. It is expressly understood and agreed, by and between the parties hereto, that the PSB Property, which is the subject of this Resolution/Agreement, is an asset of the PSB, and that at some time in the future, said asset may be determined to be surplus to the needs of the PSB and that the PSB may deem it advisable and appropriate to sell or otherwise dispose of the same or to put the land to some other use. The parties agree that the use or designation of the PSB Property as a recreation area by the City shall not be construed as dedicating the land to the public as a park, or for any other purpose, either expressly or by implication.

7. This Resolution/Agreement is subject to all rights-of-way, easements, dedications, restrictions, reservations, and other encumbrances of record and running with the land.

Representative Cobos expressed that the City of El Paso owed a debt of thanks to Dr. Aboud for his generosity and commitment to the children of the community.

Mr. John Nance, Assistant City Attorney, noted that a revision had been made regarding the Lease Agreement language and the inclusion of the map drawing and metes and bounds description, and requested Council Members approve the Resolution, subject to the addition of the metes and bounds descriptions when those documents are completed.

Representative Cook moved to suspend the rules of electronic voting. Representative Cushing seconded.

Motion made by Representative Cook and seconded by Representative Lozano and unanimously carried to approve the above Resolution.

Representatives Power and Escobar were not present for the vote.

Mayor Joe Wardy stated that the baseball training academy would serve the entire community and expressed his personal thanks to Dr. Aboud and the organization for the generosity.

Mr. Ray Cox, Director of Parks and Recreation, noted that there were only two other such baseball training academies in the nation and thanked Dr. Aboud for his generosity.

NOTE: This Joint Use Resolution/Agreement was considered together with the public hearing on an Ordinance authorizing the City of El Paso to enter into a Lease Agreement with El Paso Border Youth Athletic Association for the purpose of developing a plan for, constructing, and utilizing a youth baseball facility on property located adjacent to Brown Street and Schuster Avenue in portions of blocks 137, 138, 142, and 143, Alexander Subdivision, and those portions of the Alexander Subdivision adjacent to blocks 70 and 98, El Paso, El Paso County, Texas (Item 24B of the September 30, 2003 City Council Agenda).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARGARET PETROZZA-MERAZ**, to assist the Police Department as a Safe Communities Coordinator/Departmental Research Assistant, at a biweekly rate of \$1,367.54, for 40 hours per week. The term of the contract shall be for the period of October 1, 2003 through September 30, 2004.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Understanding by and between the City of El Paso and the U.S. Customs and Border Protection Enforcement Agencies for a special joint law enforcement task force from October 1, 2003 through September 30, 2004. U.S. Customs and Border Protection will reimburse the City for certain overtime personnel costs incurred during the operation.

NOTE: Resolution was revised to read "September 30, 2004".

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign all required documentation and accept a grant award for the El Paso Police Department from the Office of the Attorney General of Texas for funding in the amount of \$102,000.00 for a Victim Services Response Team Project (OVAG) Grant to fund a Victim Services Volunteer Coordinator and a Volunteer Services Case Manager for the Victim Services Response Team of the El Paso Police Department for two years; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching or in-kind funds, and any documents to request and accept an extension of the award ending date for the grant. Matching funds required in the amount of \$16,156.00.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement between the City of El Paso and Sexual Trauma and Assault Response Services to provide outreach emergency counseling and follow-up public health services for the reported victims of sexual assault in the amount of \$60,000.00. The term of this Agreement, regardless of the date of execution, shall be September 1, 2003 through August 31, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total</u>
10844 Vista Lomas Drive	\$130.98	\$19.53	\$150.51

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **EASTWOOD HEIGHTS RECREATION** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3000 Daisy Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot 20 (8925 SQ FT), Block 174, Eastwood Heights Subdivision, Parcel E222-999-1740-3900,

to be ONE HUNDRED TWENTY FIVE AND 84/100 (\$ 125.84) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work has performed on the Twelfth day of June, 2003 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED TWENTY FIVE AND 84/100 (\$ 125.84) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

### RESOLUTION

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **CONNER, ROBERT & CLAUDIA** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4305 Loma Casitas Road, City of El Paso, El Paso County, Texas, being  
more particularly described as Lot 19 (7502.38 SQ FT), Block 35, North  
Hill #12 Subdivision, Parcel N425-999-0350-1900,

to be NINETY THREE AND 64/100 DOLLARS (\$93.64) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work has performed on the Eighth day of May, 2003 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of to be NINETY THREE AND 64/100 DOLLARS (\$93.64) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the Resolution placing a lien on 400 Block of Yarbrough \$293.90 Jose L & 2 Salas

### RESOLUTION

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **SALAS, JOSE L. & 2** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

400 Block of Yarbrough, City of El Paso, El Paso County, Texas, being more particularly described as Lot 1 TR 14 (38517.48 SQ FT) Carried with Estancias del Valle, Block C, Christy Subdivision, Parcel C454-999-000C-7000,

to be TWO HUNDRED NINETY THREE AND 90/100 (\$293.90) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work has performed on the Ninth day of January, 2003 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of to be TWO HUNDRED NINETY-THREE AND 90/100 (\$293.90) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

Representative Rojas requested that Ms. Emma Acosta, Director of Solid Waste Management, clarify the matter regarding the property located at the 400 block of Yarbrough.

Ms. Acosta responded that the property was a vacant lot and noted that the department had placed two previous liens on the property. She provided pictures of the property prior to and after the department had cleaned. She noted that the City would be reimbursed for its services in the event the property owner provided restitution or if the property were sold.

Representative Cobos questioned whether or not the property owner owed any back taxes.

Ms. Acosta would confer with the Tax Assessor/Collector, Mr. Juan Sandoval.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with the YSLETA INDEPENDENT SCHOOL DISTRICT FOR THOMAS MANOR ELEMENTARY SCHOOL, to lend it One (1) 4 Cubic Yard Dumpster, Five (5) 32 Gallon Bins, and Fifty-two (52) 8 Gallon Baskets for a fee of \$20.00 for each month for the purpose of collecting the school's recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.





\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Services

Add	1.00	Accounting Technician	GS20
Delete	1.00	Information Processor Operator	GS14

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police

Add	1.00	Police Assistant Chief	P8
Delete	1.00	Police Deputy Chief	P7

\*Motion made, seconded and unanimously carried to re-appoint Thomas C. Balsiger to the Airport Board by Representative John F. Cook.

\*Motion made, seconded and unanimously carried to appoint Lupe Casillas-Lowenberg to the El Paso Public Arts Commission to fill an unexpired term.

\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Corner of 3829 Johnson                      Cost: \$899.00

\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C019-999-0000-7100, \$237.72 per month installments on a balance of \$2,852.64 for 2001 & 2002 taxes; Rosa Porras – 4800 N. Stanton St.
- B. PID #H754-000-0010-0300, \$238.79 per month installments on a balance of \$2,865.48 for 1996, 1997, 1999, 2000 & 2001 taxes; Enrique & Josefina C. Valenzuela – 3429 Mapula Loop.
- C. PID #K216-999-0600-0400, \$419.86 per month installments on a balance of \$5,038.32 for 2001 & 2002 taxes. Jon P. Cardenas – 932 Mesita.
- D. PID #M452-999-0040-4900, \$439.31 per month installments on a balance of \$5,271.72 for 2000, 2001 & 2002 taxes; Jaime Vasquez – 7087 Yvonne Ct.
- E. PID #S052-999-0030-1300, \$68.23 per month installments on a balance of \$2,456.28 for 2002 taxes; Guadalupe C. Lazos – 128 Valencia.
- F. PID #T240-999-0020-5200, \$226.12 per month installments on a balance of \$8,140.32 for 1999, 2000, 2001 & 2002 taxes; Jesus Natividad, Carlos & Julieta Fuentes – 245 McCarthy Ave.
- G. PID #U819-999-006A-1920, \$1,081.33 per month installments on a balance of \$12,975.96 for 2002 taxes; Christopher M. & Iris B. Courtney – 5601 Montoya.
- H. PID #V893-999-0730-1300, \$128.18 per month installments on a balance of \$2,307.24 for 2002 taxes; Teresa Saucedo – 1908 Anise Dr.
- I. PID #V893-999-111B-0500, \$567.54 per month installments on a balance of \$6,810.48 for 2002 taxes; Rosa E. Soto – 1574 Bengal Dr.
- J. PID #V893-999-4020-2700, \$300.40 per month installments on a balance of \$3,604.80 for 2001 & 2002 taxes; Rene Sifuentes – 1698 Donna Caponi Ln.
- K. PID #V893-999-5420-0600, \$424.47 per month installments on a balance of \$5,093.64 for 2001 & 2002 taxes; Eddie A. & Irma Rojas – 1377 James Dudley.
- L. PID #Y805-999-0290-0901, \$255.02 per month installments on a balance of \$2,550.20 for 2002 taxes; Javier A. Valverde – 7945 Alameda.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Transamerica R.E. Tax Service, in the amount of \$3,139.80, overpayment of 2000 taxes.  
(PID #H788-004-0230-0210)
- B. Wells Fargo Real Estate Tax Services, LLC in the amount of \$3,392.83, overpayment of 2002 taxes.  
(PID #V897-999-0370-2000)
- C. Wells Fargo Real Estate Tax Services, LLC in the amount of \$3,427.83, overpayment of 2002 taxes.  
(PID #V897-999-0660-0400)
- D. Lone Star Title Company, in the amount of \$2,659.71, overpayment of 2002 taxes.  
(PID #W010-999-0010-4100)
- E. Lereta Corp, in the amount of \$2,560.23, overpayment of 2001 taxes.  
(PID #W145-999-0770-3300)
- F. Lereta Corp, in the amount of \$8,655.09, overpayment of 2002 taxes.  
(PID #X312-999-0000-0100)
- G. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$3,971.12, overpayment of 2002 taxes.  
(PID #C340-999-1410-3700)

.....  
\*Motion made, seconded and unanimously carried to delete the request for the Director of Purchasing to exercise the City's option to extend Contract No. 2002-087C between the City of El Paso and Akal Security, Española, NM, to provide Security Guard Services for the El Paso International Airport (for twelve additional months) starting May 1, 2005, and ending April 30, 2006.

Department:	Department of Aviation
Funds available:	6260009-502212
Funding source:	Airport Operating Fund
Total amount:	\$548,000.00 (estimated annually)

.....

\*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from November 14, 2003 to November 13, 2004 pursuant to the provisions of Contract #2001-298C1 with Valley Feed & Supply, El Paso, Texas for Zoo Animal Food.

Option No.:	One (of one)
Department:	Zoo
Funds available:	52152005-503110
Funding source:	Zoo Operations
Total estimated award:	\$29,600.00

.....

\*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from November 14, 2003 to November 13, 2005 pursuant to the provisions of Contract # 2001-298C3 with Louie & Sons Produce, Inc., El Paso, Texas for Zoo Animal Food.

Option No.:	One (of one)
Department:	Zoo
Funds available:	52152005-503110
Funding source:	Zoo Operations
Total estimated award:	\$39,000.00

.....

\*Motion made, seconded and unanimously carried to award Bid No. 2003-200 Janitorial Services, City-County Health District

Award to:	Pedus Service, Inc. El Paso, Texas
Item (s):	All
Amount:	\$147,616.50 (estimate annually)

18  
REGULAR COUNCIL MEETING – SEPTEMBER 30, 2003

Department: El Paso City/County Health and Environmental District  
 Funds available: Various  
 Funding source: General Funds and WIC Grants  
 Total award: \$442,849.50

The El Paso City/County Health and Environmental District and the Purchasing Department recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with no renewable options.

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-013 AIRPORT

Transfer of funds to cover acquisition of vehicle radios for use in communicating with the air traffic control tower.

Increase	\$15,200	to	62620020/P50000441022/508008	MajorOfficeEq
Increase	\$15,200	to	62620020/P50000441022/407001	Intrafd Tfr In
Increase	\$15,200	to	62620018/P50000241021/407002	Est Revenue
Increase	\$15,200	to	62620018/P50000241021/507001	Intrafd Tfr Out

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-014 AIRPORT

Transfer of funds to cover acquisition of 800 MHZ Radios for use by an increased number of Security Guards to provide TSA mandated security requirements during airfield construction projects.

Increase	\$17,200	to	62620020/P50000441022/508008	Maj Office Eq
Increase	\$17,200	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$17,200	to	62620018/P50000241021/407002	Est Revenue

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-017 COMMUNITY AND HUMAN DEVELOPMENT

The Community Development Social Services Division secured renewal of the Project FOCUS Grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$400,000 from 9/30/03-9/29/04. This renewal will allow the continuation of services for older adults with mental health problems.

Increase	\$ 62,300	to	71150005/G71030105164/501000	NUnif Wag
Increase	\$ 252	to	71150005/G71030105164/501100	Wrk's Comp
Increase	\$ 1,603	to	71150005/G71030105164/501108	POSCtyEmpty
Increase	\$ 70	to	71150005/G71030105164/501114	Life Ins
Increase	\$ 6,230	to	71150005/G71030105164/501124	PensionPlan
Increase	\$ 3,775	to	71150005/G71030105164/501129	FicaCityMat
Increase	\$ 794	to	71150005/G71030105164/501130	FicaMdCtyMat
Increase	\$317,445	to	71150005/G71030105164/502215	OtsideContract
Increase	\$ 200	to	71150005/G71030105164/502302	Print Shop
Increase	\$ 181	to	71150005/G71030105164/502304	MailrmChges
Increase	\$ 800	to	71150005/G71030105164/503100	Office Sup
Increase	\$ 200	to	71150005/G71030105164/503104	Min Comp Eq
Increase	\$ 500	to	71150005/G71030105164/503108	Trning Materls
Increase	\$ 250	to	71150005/G71030105164/503115	Food & Bev
Increase	\$ 200	to	71150005/G71030105164/504000	Phone
Increase	\$ 200	to	71150005/G71030105164/504001	Long Dist

Increase	\$ 4,200	to	71150005/G71030105164/504201	Travel
Increase	\$ 600	to	71150005/G71030105164/504203	Mile Allow
Increase	\$ 200	to	71150005/G71030105164/504412	Sem Cont Ed
Increase	\$400,000	to	71150005/G71030105164/406000	Fed Grt Proc

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-023 ECONOMIC DEVELOPMENT

To set up account in order to fund loans to small business. Funding for loans to small business through a \$500,000 Grant Award from NADBank's Community Adjustment and Investment Program.

Increase	\$500,000	to	72150079/G72CAIP05616/505200	Com Svc Proj
Increase	\$500,000	to	72150079/G72CAIP05616/406000	Fed Grnt Proc

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2004-032 MUNICIPAL CLERK

Establish appropriation for purchase of personal computers, scanner and Intuity Audix Voice Mail System for FY 04.

Increase	\$75,000	to	11153060/PMC000116011/508010	DataProcEq
Increase	\$75,000	to	11153060/PMC000116011/404059	MuniCtFee

NOTE: Budget Transfer number was revised from "BT2003-032" to "BT2004-032".

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Franklin High School to hold a homecoming parade on October 10, 2003 from 6:00 p.m. to 7:00 p.m. Route: Start at Franklin High School's parking lot to Resler, turn left on Resler to Cloudview St., and turn left on Cloudview and finish at Coronado High School. Approximately 200 persons, 20 floats, 1 camel and 200 spectators are anticipated. PERMIT NO. 03-142 [Lisa Thompson]

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Faith Christian Academy to hold a homecoming parade on October 3, 2003 from 12:00 p.m. to 3:00 p.m. Route: Start at Valley Crest and Escobar, turn left on Escobar, and finish at Faith Christian Academy's parking lot. Approximately 400 persons, 15 vehicles will take part and 60 spectators are anticipated. PERMIT NO. 03-143 [Ana Elena Carroll]

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Eastwood High School Student Government to hold a homecoming parade on October 9, 2003 from 6:00 p.m. to 7:00 p.m. Route: Start at Montwood Mall, turn left on Yarbrough, turn right on Montwood, proceed on Montwood to Linum and finish at Eastside High School Trooper stadium. Approximately 400 persons, 30 vehicles, 1 animal will take part and 5,000 spectators are anticipated. PERMIT NO. 03-148 [Deby Lewis]

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Empowerment Resources, Inc. to hold a run/walk on October 11, 2003 from 8:30 a.m. to 9:30 a.m. Route: Start at Marwood Park, turn right on River Bend, turn left on Sunset Dr., turn right on Vista del Monte, turn right on Meadowlark, turn left on Linda, turn left on Vista del Monte, turn left on Sunset, turn right on River Bend, turn left on Crane Rd., and finish at Marwood Park. Approximately 200 persons will take part. This request includes permission to use amplification (small portable PA) PERMIT NO. 03-147 [Chris Rowley]

.....  
 Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance designating Reinvestment Zone "QQ" within the City of El Paso as authorized by the Property Redevelopment and Tax Abatement Act, §§312.001 et. seq., Texas Tax Code, as amended; describing the boundaries of said Reinvestment Zone "QQ"; describing the eligibility of said Reinvestment Zone "QQ" for Commercial-Industrial Tax Abatement of real and personal property located therein; and providing for a savings clause.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 14, 2003 FOR ITEM 21**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
\*Motion made, seconded and unanimously carried to postpone for one (1) week the discussion and action to recommend amending the Ordinance creating the Information Technology Advisory Board.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on the development of a comprehensive plan for infill development, with input from all involved departments, the private and public sector, to return to Council with recommendations within ninety (90) days.

.....  
\*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action to direct the Department of Planning, Research and Development and the City Attorney's Office to review and amend City Code Section 20.62.010, Nonconforming Lots to "A single {or two} family dwelling may be erected on a lot even though of less width or area than required by the regulations for the district in which it is located, if such lot was separately owned at the time when any zoning restrictions as to its required width or area (whether under this title or any other ordinance or amendment) first became effective {Delete remainder of text}.

.....  
Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the request to reject Bid Number 2003-090 Sale of Real Estate located at 2421 Pittsburg Avenue as recommended by the Purchasing Department. Proposal submitted did not meet minimum acceptable bid.

This requirement as has been reviewed by the user department, a new solicitation will be issued at a later date.

The City Clerk called for public comment. There was no public comment.

.....  
**ORDINANCE 15567**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 5 OF THE CITY OF EL PASO MUNICIPAL CODE, BY ADDING THERETO CHAPTER 5, REGULATION OF SEXUALLY ORIENTED BUSINESSES; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH OR CONTRARY THERETO.**

Ms. Lisa Turner, citizen, stated that the Ordinance language had been substantially revised and questioned whether or not the Ordinance should be deleted and reintroduced.

Motion made by Representative Cook to approve the Ordinance as written. Representative Power seconded.

***Representative Cobos expressed that Representative Representative Cushing had revisions to the Ordinance and requested Representative Cook rescind his motion to approve. Representative Cook declined.***

Representative Cobos moved to postpone the matter for one week. Representative Cushing seconded.

The vote was as follows:

AYES: Representatives Cushing, Lozano, and Cobos.

NAYS: Representatives Austin, Cook, Power, Escobar, and Rojas.

The motion to postpone failed.

Representative Cushing requested advice from the City Attorney regarding meeting protocol.

Ms. Lisa A. Elizondo, City Attorney, responded that as per the City Charter the Council Members were allowed to make floor amendments.

Representative Cushing moved to amend the Ordinance and read the amendments into the record. Representative Lozano seconded.

Representative Cook requested that the vote on his motion to approve the Ordinance as written be taken. Representative Austin asked for clarification as to which written version Representative Cook referred. Representative Cook responded that it was the version dated 09/23/03 which was most recently posted with the Agenda item.

In response to the question of which motion had priority, Ms. Elizondo responded that under Council's Rules of Order, there was generally no requirement to give priority to a motion to amend; however, as to which motion had priority in this particular circumstance, Ms. Elizondo asked for time to respond. The Mayor decided to proceed with public comment pending her response.

Mayor Joe Wardy explained that 15 minutes to speak would be given for those individuals in favor of and against the proposed Ordinance.

Speakers in favor of the proposed Ordinance are listed as follows: Dr. Harry Duran, gave a PowerPoint presentation pertaining to sexually transmitted diseases (copy on file in the City Clerk's office), Messrs. Mike Halloran, Lester Bennett, Roger O'Dell, and Jerry Levell made comments, as well as Ms. Ellen Hogarty and Ms. Mary Lou Cebollero.

Speakers in opposition of the proposed Ordinance were: Messrs. Jaime Perez, Karl Starr, Jim Kell, Sal Gomez, Robert Garcia, Steven McClellan and Robert Costa.

Ms. Lisa Turner, citizen, provided neutral comments.

Ms. Laura Gordon, Deputy City Attorney, explained how amendments to the Ordinance had been added previous to today's meeting.

There was considerable discussion regarding the voting on Representatives Cook's and Cushing's motions. In response to the question of which motion had priority, Ms. Elizondo responded that because under Council's Rules of Order the Mayor did not first recognize the representatives before they made their motions, the Mayor, as presiding officer, could decide how to proceed. The Mayor gave Representative Cushing the floor.

Representative Cushing moved to amend the Ordinance and restated his amendments for the record and instructed the City Attorney's office to codify the remainder of the Ordinance to ensure conformity with Texas Local Government Code. Representative Lozano seconded.

Ms. Elizondo requested Council Members go into Executive Session for legal advice on one aspect of the Ordinance prior to voting.

Representative Rojas moved to go into Executive Session. There was no second.

Ms. Elizondo again recommended that Council Members go into Executive Session prior to taking the vote.

Motion made by Representative Power, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:54 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

**24A.** An Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto.

Motion made by Representative Lozano, seconded by Representative Escobar and carried to adjourn Executive Session at 11:17 a.m. and reconvene the meeting of the City Council, with Representative Cook voting Nay.

Representative Escobar requested that the vote on each amendment be taken separately and asked Representative Cushing to withdraw his motion.

Representative Cushing stated that based on legal counsel's advice he corrected his amendment regarding the final two paragraphs of the Ordinance pertaining to Section 5.54.120 and to change the definition of "hearing officer" as a qualified independent arbitrator agreed upon by the parties with costs shared equally. Representative Lozano seconded.

Ms. Elizondo stated Representative Cushing could amend his amendments.

Representative Power agreed with Representative Escobar's request regarding voting on all Representative Cushing's proposed amendments separately.

Representative Cushing noted that he was proposing four amendments to the Ordinance and would defer to the Chair regarding voting on each amendment separately.

Mayor Wardy ruled that Council Members would take the vote as it currently stands.

The vote on the four amendments made by Representative Cushing was as follows:

AYES: Representatives Austin, Cushing, Lozano, and Cobos

NAYS: Representatives Cook, Power, Escobar and Rojas

Mayor Wardy voted AYE to break the tie.

The motion to amend the Ordinance passed.

Representative Cobos moved to approve the Ordinance as amended. Representative Lozano seconded.

The vote was as follows:

AYES: Representatives Cushing, Lozano, and Cobos

NAYS: Representatives Austin, Cook, Power, Escobar, and Rojas

The item failed.

Motion made by Representative Cook, seconded by Representative Power to approve the Ordinance with the amendment regarding the definition of the hearing officer only.

***Mr. O'Dell questioned whether or not Council Members had voted down the amended Ordinance and whether or not the original Ordinance was now on the floor.***

Representative Austin noted that Council Members had voted 5-4 to amend the Ordinance, followed by voting on the merits on the Ordinance, which was then voted down. She asked legal counsel whether or not the matter was now finished.

Ms. Elizondo responded that a motion to reconsider would be required in order to allow further discussion/voting.

Motion made by Representative Power, seconded by Representative Rojas to reconsider item 24A - **AN ORDINANCE TO AMEND TITLE 5 OF THE CITY OF EL PASO MUNICIPAL CODE, BY ADDING THERETO CHAPTER 5, REGULATION OF SEXUALLY ORIENTED BUSINESSES; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH OR CONTRARY THERETO.**

The vote was as follows:

AYES: Representatives Cook, Power, Escobar, Rojas, and Cobos

NAYS: Representatives Austin, Cushing, and Lozano

The motion to reconsider passed.

Representative Cobos moved to approve the amended Ordinance. Representative Lozano seconded.

Representative Cobos stated that his motion was to approve the amendment as presented by Representative Cushing, then clarified that his motion was to approve the Ordinance as amended. Representative Power stated that he intended his motion to reconsider as a motion to consider the Ordinance without the amendment. Ms. Richarda Duffy Momsen, City Clerk, stated that the Motion to reconsider related to the vote to approve the Ordinance as amended by Representative Cushing.

The vote to approve the amended Ordinance was as follows:

AYES: Representatives Austin, Cushing, Lozano, and Cobos

NAYS: Representatives Cook, Power, Escobar, and Rojas

Mayor Wardy voted AYE to break the tie.



Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15568

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO ENTER INTO A LEASE AGREEMENT WITH EL PASO BORDER YOUTH ATHLETIC ASSOCIATION FOR THE PURPOSE OF DEVELOPING A PLAN FOR, CONSTRUCTING, AND UTILIZING A YOUTH BASEBALL FACILITY ON PROPERTY LOCATED ADJACENT TO BROWN STREET AND SCHUSTER AVENUE IN PORTIONS OF BLOCKS 137, 138, 142, AND 143, ALEXANDER SUBDIVISION, AND THOSE PORTIONS OF THE ALEXANDER SUBDIVISION ADJACENT TO BLOCKS 70 AND 98, EL PASO, EL PASO COUNTY, TEXAS.**

Please see page 11 for discussion.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Rojas and Cobos  
NAYS: None Absent: None

Representatives Power and Escobar were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: This Ordinance was considered together with Joint Use Resolution/Agreement of the City of El Paso and the El Paso Water Utilities Public Service Board pertaining to the joint use of property located adjacent to Brown Street and Schuster Avenue in portions of blocks 137, 138, 142, and 143, Alexander Subdivision, El Paso, El Paso County, Texas (Item 5CC of the September 30, 2003 City Council Agenda).

.....  
Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to deny the appeal of an Ordinance changing the zoning of Lot 10, Block 3, ALAMEDA ACRES, El Paso, El Paso County, Texas (125 N. Glenwood St.) from A-2 (Apartment) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03036. Applicant / Representative: Yun Ki Kim, 11149 Leo Collins, El Paso, TX 79936. **THIS IS AN APPEAL CASE.**

Representative Power abstained from the vote.

Representative Lozano explained that he had spoken with residents in the area and subsequently moved to deny the appeal of the Ordinance.

The City Clerk called for public comment. There was no public comment.

.....  
Motion made by Representative Rojas, seconded by Representative Cook and unanimously carried to deny the appeal of an Ordinance changing the zoning of Lot 33, less the East 3 Feet thereof and less the North 10 Feet thereof, Rosedale Farms No. 4, El Paso, El Paso County, Texas (312 North Carolina) from R-3 (Residential) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00008. Applicant/Representative: Genaro & Yolanda Banuelos, 312 N. Carolina, El Paso, TX 79915 **THIS IS AN APPEAL CASE**

Representative Austin was not present for the vote.

The City Clerk called for public comment. There was no public comment.

.....  
ORDINANCE 15569

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 53, CINEQUE PARK, EL PASO, EL PASO COUNTY, TEXAS (8210 TROY) FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Rojas questioned the distance between the side of the residence and the street.

Mr. Rudy Valdez, Chief Urban Planner, answered Representative Rojas' question.

There being no further public comment, the vote was taken.

Motion duly made by Representative Rojas, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Representative Austin was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15570

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 2, BLOCK 2, LOS CERRITOS UNIT ONE, EL PASO, EL PASO COUNTY, TEXAS (BANDOLERO DRIVE NORTH OF PINEHURST DRIVE) FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO A-2/SC (APARTMENT/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of Lots 11 - 16, Block 65, Franklin Heights Addition, El Paso, El Paso County, Texas (1020 Montana Avenue) from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Terry W. Hammond and Associates; 1420 Montana Avenue, El Paso, TX 79902. ZON03-00012.

ORDINANCE 15571

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO HO YUN LEE, TO PERMIT TEMPORARY SIDEWALK VENDING ALONG A PORTION OF PUBLIC RIGHT-OF-WAY AT 810 SOUTH EL PASO STREET IN DOWNTOWN EL PASO FROM OCTOBER 1, 2003 THROUGH JULY 3, 2004.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15572

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM OCTOBER 1, 2003 THROUGH JULY 3, 2004.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to postpone for four (4) weeks an Ordinance amending Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) to revise provisions related to franchise terms and delete certain civil penalties for illegal bus benches.

**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON03-00035, FOR A PORTION OF LOT 3, BLOCK 19, REGAL CREST UNIT THREE, REPLAT "B", EL PASO, EL PASO COUNTY, TEXAS (REDD ROAD EAST OF SOUTHWESTERN DRIVE), PURSUANT TO A SPECIAL CONTRACT IMPOSED BY ORDINANCE NO. 009507. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **VG Partnership** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a special contract, to permit the construction and development of a restaurant;

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a restaurant on the following described property which is located in a C-4/sc (Commercial/special contract) District:

*A portion of Lot 3, Block 19, Regal Crest Unit Three, Replat "B", El Paso, El Paso County, Texas, as more particularly described by metes and bounds Exhibit "A" (Exhibit "A" on file in the City Clerk's Office)*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" (Exhibit "B" on file in the City Clerk's Office) and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/sc (Commercial/special contract) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-4/sc (Commercial/special contract) District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Representative Austin questioned the recommendation of City staff.

Mr. Rudy Valdez, Chief Urban Planner, explained that the site was for the Applebee's restaurant to be located on Redd Road on the Westside of El Paso.

There being no public comment, the vote was taken.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....  
RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 4109 Edgar Park Avenue, in El Paso, Texas, which property is more particularly described as follows:

Tract: 52, Sunrise Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 16, Page 19, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Genaro Vazquez as trustee of the Vazquez Family Trust, 300 E. Main Suite 908, El Paso, Texas 79901, and Genaro Vazquez, 1409 Lost Padre Mine Drive, El Paso, Texas 79902, Margarita V. de Perez, 336 Cortez Drive, El Paso, Texas 79905, and Maria Guadalupe Vazquez Valenciana, 2316 Tremont Avenue, El Paso, Texas 79930, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 30<sup>th</sup>, 2003; and

WHEREAS, Margarita V. de Perez, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is found to be substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. That the structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired; and
2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
  - d. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the Building and maintaining the Building secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

Mr. W. A. Lucky, adjacent property owner, requested that the structure be demolished.

Ms. Margarita V. de Perez, property owner, requested additional time to make the necessary repairs to the home and answered questions of Council Members.

There being no further public comment, the vote was taken.

Motion made by Representative Cushing, seconded by Representative Lozano and carried to approve the above Resolution.

AYES: Representatives Austin, Cushing, Lozano, Power, Escobar and Cobos.

NAYS: Representatives Cook and Rojas.

.....  
RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3210 Shetland Road, in El Paso, Texas, which property is more particularly described as follows:

Lot: 6, Block 36, Scotsdale #3

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Cesar V. & Yolanda Fernandez, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 30<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is found to be substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. That the structure's certificate of occupancy is hereby revoked; and
- d. That the primary structure can be repaired, however, the non permitted rear covered porch and non permitted accessory structure be demolished.

2. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the primary structure be secured and maintained secured from unwanted entry within (30) days; and
- b. That the illegal rear porch addition and the non permitted accessory structure be demolished within (30) days; and
- c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and

- e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the primary Building and maintain the primary Building secure and demolish the non permitted rear porch addition and demolish the non permitted accessory structure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the primary Building and maintain the Building secure and demolish the non permitted rear porch addition and demolish the non permitted accessory structure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
  4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with demolishing the non permitted rear porch addition and demolishing the non permitted accessory structure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
    - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
  7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.



According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

Representatives Power, Austin, and Escobar made comments.

There being no further public comment, the vote was taken.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone three (3) weeks the public hearing to determine if the property located at 3430 Wyoming Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 2002. The owners of this property, Jose Angel and Maria Guadalupe Torres, 3430 Wyoming Avenue, El Paso, Texas 79903, have been notified of the violations at this property. Delinquent taxes in the amount of \$1,183.23.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Representatives Cobos and Austin asked questions of Mr. Maguire.

Mr. Maguire answered their questions and provided additional comments pertaining to the structure.

Ms. Maria Guadalupe Torres, property owner, spoke in Spanish, Ms. Diana Nunez, Deputy City Clerk, provided translation. Ms. Torres requested additional time in order to bring the structure up to City Code standards.

Ms. Teresa Garcia, Assistant City Attorney, provided legal advice.

.....  
**ADDITION TO THE AGENDA**

**\*RESOLUTION**

**WHEREAS**, on Jan. 2, 2003, the City of El Paso and AMEC Earth & Environmental, Inc. entered into a Consultant Services Agreement for environmental engineering services, and

**WHEREAS**, the unit price fee schedule which was attached to the Consultant Services Agreement did not include a fee for a toxicologist and senior toxicologist, and

**WHEREAS**, a project requested by the City requires the uses of a toxicologist and senior toxicologist,

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to the Consultant Services Agreement by and between the **CITY OF EL PASO** and **AMEC Earth & Environmental, Inc.** to include a unit price fee of \$95/hour for a Toxicologist and at \$175/hour for a Senior Toxicologist.

.....  
\*Motion made, seconded and unanimously carried to appoint Robert W. Gray to Flood Damage Prevention Board of Appeals by Representative Jose Alexandro Lozano.

.....  
No action was taken on the discussion regarding status of litigation involving Municipal Court judges.

Representative Escobar requested that Mr. Joe Spencer, attorney, bring the Council Members up-to-date on the matter regarding the status of litigation involving Municipal Court judges.

Mr. Spencer provided explanation and answered Council Members' questions.

.....  
**SECOND ADDITION TO THE AGENDA**

\*Motion made, seconded and unanimously carried to re-appoint Abel Rodriguez to the Cable Communications Commission by Representative Jose Alexandro Lozano.

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to authorize the Mayor to negotiate and execute a contract with Margaret Menicucci, CPPDR and Joseph Hart to serve as facilitators on behalf of the City of El Paso as an interested party between EPA Region 6 and the El Paso Neighborhood Groups for an amount not to exceed \$17,000.

Ms. Risher Gilbert, attorney, explained that she was the Chairwoman of a five neighborhood association committee and made remarks regarding an environment matter and the EPA.

Mayor Joe Wardy stated that a travesty had been committed with regard to these neighborhoods and the City and commended Ms. Gilbert and the neighborhood associations on their spirit of cooperation and organizational skills. He remarked that the City was responsible for the health of the children and citizens of the community.

Ms. Lisa A. Elizondo, City Attorney, explained that the Legal Department would provide the necessary monies.

.....  
Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:07 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- |                 |  |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY               |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY     |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS                        |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES  |

Discussion and action on the following:

- A. Employee Pension Contributions, 03-C-194 (551.071)
- B. Discussion and Action on hiring outside counsel to develop an Employee Handbook. (551.071)
- C. Discussion and action regarding Cumbre Estates Subdivision. (551.071)
- D. Discussion and action regarding Municipal Code Section 20.08.080.G. (551.071)

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session at 1:32 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the Mayor **AUTHORIZE the CITY OF EL PASO to reimburse the City of El Paso Employees' Pension Fund employers contributions and interest that were not collected**, in the claim entitled **Employee Pension Contributions, Our File No. 03-C-194**, as recommended by the City Attorney.

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney's Office be authorized to hire Delgado, Acosta, Braden & Jones, as outside counsel to develop an Employee Handbook for the City at a cap of \$5,000.

AYES: Representatives Austin, Cushing, Lozano, Escobar and Cobos.

NAYS: Representatives Cook, Power and Rojas.

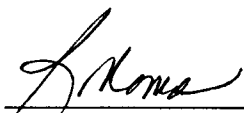
Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the City of El Paso authorize the City Engineer to send a letter accepting a modification of the Subdivision improvement plans to eliminate any requirement for revegetation and outlining the final requirements for acceptance of the improvements by listing any deficiencies.

Representative Cook was not present for the vote.

No action was taken on the discussion and action regarding Municipal Code Section 20.08.080.G. (551.071)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:38 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk